

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jacob et al.)
)
For:	Method and Apparatus for)
	Delivering Services)
)
Serial No.:	10/749,711)
)
Filed:	December 31, 2003)
)
Examiner:	Nguyen, K.)
)
Art Unit:	2617)

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES, and
Pre-Appeal Brief Request for Review**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR 41.31, the applicants hereby appeal to the Board of Patent Appeals and Interferences from the last decision of the Examiner, dated December 23, 2008, wherein the Examiner made the rejection of the claims final. The present Notice of Appeal is being filed within the permissible three month term for response.

In connection with the Notice of Appeal, and Pre-Appeal Brief Request for Review, a fee in the amount of \$40 is believed to be due, which corresponds to the fee for filing a Notice of Appeal reduced by appropriately applied credits for previously paid fees (\$540 minus \$500). The fee for filing a Notice of Appeal in the amount of \$540 has in effect already partially been paid, as the presently due fee is appropriately reduced by \$500, an amount corresponding to previous amounts already paid in connection with previous filing of a Notice of Appeal on April 6, 2007. The previous Notice of Appeal filing fee should be applied to a later appeal on the same application, because the prosecution was re-opened by the Examiner, prior to a decision on the

merits by the Board. Consequently the previous fees paid are applicable to be applied to a later filed appeal (see MPEP §1207.04).

The Commissioner is hereby authorized and requested to charge said fee, to Motorola's Deposit Account No. 50-2117. In the event, that any additional fees including fees to cover a deficiency associated with any underpayments, are deemed to be necessary, in connection with the present action on the part of the applicant, the Commissioner is further authorized to charge any such fee or credit any overpayments to the above noted deposit account.

Respectfully submitted,

BY: /Lawrence Chapa/

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